

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2000-0141-T - ORDER NO. 2000-693  
AUGUST 24, 2000

IN RE:	Application of Jimmy Coats DBA Jim's	)	ORDER GRANTING
	Moving & Delivery Service, 209 Tarrant	)	CLASS E CERTIFICATE
	Street, Greenwood, SC 29646, for a Class E	)	
	Certificate of Public Convenience and	)	
	Necessity.	)	

This matter comes before the Public Service Commission of South Carolina on the application of Jimmy Coats DBA Jim's Moving & Delivery Service (Jim's or the Company), 209 Tarrant Street, Greenwood, SC 29646 for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in Greenwood, Greenville, Newberry, Saluda and Abbeville Counties, SC.

At the time of the hearing, the Company downwardly amended its application to request authority between points and places in Greenwood, Newberry, and Abbeville Counties, SC.

The Commission's Executive Director instructed the Company to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. A Petition to Intervene was filed by Lytle's Transfer & Storage, Inc.

(Lytle's). A Protest was received by this Commission from Dickert's Moving & Storage, Inc. (Dickert's), although it was not served on the Company.

A hearing on the Application of the Company was scheduled for August 17, 2000 at 10:30 AM. Jimmy Coats appeared on behalf of the Company. The Intervenor Lytle's did not appear at the hearing. The Protestant Dickert's was represented by Peter J. Manning, Esq. The Commission Staff was represented by F. David Butler, General Counsel. The Staff presented the testimony of L. George Parker, Jr., Manager of the Commission's Transportation Department.

Jimmy Coats testified in support of his downwardly amended application. Because of the revised Application, Coats did not present shipper witnesses, as per the Commission's prior waiver Order. Coats stated that he has made contract deliveries of appliances to homes for Sears, Big Lots, and other retail stores. Coats states that he owns one truck. Coats further states that he wants to move household goods, and believes that the contract deliveries translate into good experience for this transition.

Coats subsequently admitted that he has done some household goods moves, but states that when he got his business license from his local licensing authority, he was not informed of the necessity of obtaining certification from this Commission to perform household goods moves.

Coats states that he has gotten a number of calls from individuals requesting household goods moves in the areas that he is now requesting.

The Protestant Dickert's was not allowed to testify, pursuant to the revelation that the letter of Protest was not served on the Company, pursuant to an objection lodged by the Company.

L. George Parker, Jr., Manager of the Commission's Transportation Department, testified, and stated that he had no problems with Jim's application, although he questioned whether the size of the truck presented was large enough to conduct the household goods moves described by the Company.

S. C. Code Section 58-23-590(C)(Supp. 1999) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of this matter, we find that the applicant Jim's has demonstrated that it is fit, willing, and able to perform the services sought by the amended application. The testimony of Mr. Coats reveals that the Company is fit, willing, and able under the standards contained in 26 S.C. Regs. 103-133. Further, we find that the testimony of Mr. Coats indicates that the proposed service is required by the present public convenience and necessity. We are somewhat concerned about the Company's admission that it has already done household goods moves, even though the Company also states that it was unaware of the requirement that a Certificate from this Commission

be obtained. In any event, we would request that Staff monitor this Company for compliance in the future with all Commission and general statutes, rules, and regulations.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the amended application and therefore grant Jim's a Class E Certificate of Public Convenience and Necessity for the movement of household goods between points and places in Greenwood, Newberry, and Abbeville Counties, SC. The grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:

1. The application of Jimmy Coats DBA Jim's Moving & Delivery Service for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Greenwood, Newberry, and Abbeville Counties in South Carolina.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier service granted herein.

4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Chairman

ATTEST:

Executive Director

(SEAL)